

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 13-26 are pending in this application and stand rejected.

Claim 13 has been amended in a non-narrowing manner to clarify the claim language and distinguish over the cited prior art references. Support can be found in the disclosure, for example, at page 3, lines 12-35, page 4, lines 5-30, Figs. 1-2 and the description of such on pages 11-12, and original claim 1.

Claims 14, 15, 17, 18 and 21 have been amended in a non-narrowing manner to better conform to US practice.

New dependent claims 27-31 have been added that further specify the nature of the connecting member as supported by the disclosure, for example, at page 3, lines 12-35, page 4, lines 5-30, Figs. 1-2 and the description thereof on pages 11-12; and page 9, line 23 to page 10, line 12.

Claims 13-31 are pending upon entry of this amendment.

No new matter has been added by the above claim amendments.

Applicants thank the Examiner for the careful examination of this case, and respectfully request reexamination and reconsideration of the case, as amended. Below Applicants

address the rejections levied in the Office Action, and explain why the rejections are not applicable to the pending claims as amended.

II. ANTICIPATION REJECTIONS

Claims 13, 14, 17-24, and 26 were again rejected under 35 U.S.C. § 102(b) as allegedly anticipated by PONTON (US 6,089,410) for the reasons in items 3 and 4 on pages 2-3 of the Official Action.

Claims 13-20, 25, and 26 were again rejected under 35 U.S.C. § 102(b) as anticipated by LAST et al. (US 5,819,986) for the reasons in item 4 on page 2 of the Official Action.

These rejections are respectfully traversed as applied to the amended and new claims.

In the Amendment filed March 26, 2008, Applicants argued that PONTON and LAST fail to meet the recited feature of claim 13 requiring that the connecting means have at least one end portion (23, 30, 31a, 31c) starting from said one at least one end and oriented in such a way as to diverge from a zone (B) in the shape of a vertical flat band.

The Office considers this argument to be unpersuasive. The Office argues that the term "zone (B)" and the characters in parentheses are meaningless as they do not incorporate any structural limitations into the claims. See item 4 at the top of page 3 of the Office Action. The Office indicates that the only

zone clearly defined in the claims is a geometric line directly connecting the actuating member and the outlet member.

However, it seems the Office has not fully understood the meaning of claim 13, as previously amended, with respect to the connecting means (23, 31, 30 123, 131). It should be noted that claim 13, as amended per the last response, recited "connecting means having at least one end portion (23, 30, 31a, 31c) starting from said one at least one end and oriented in such a way to diverge from a zone (B) in the shape of a vertical flat band containing a geometric line directly connecting said actuating member (7, 9, 19, 107, 109, 117) and said outlet member (24, 29)." Based on the arguments in the Office Action, it seems the Office has misunderstood the invention to mean the end portion diverges from a zone (B) (undefined) and the end portion is in the shape of a vertical flat band containing a geometric line directly connecting said actuating member (7, 9, 19, 107, 109, 117) and said outlet member (24, 29).

However, this is not the case. It must be understood that zone (B) is in the shape of a vertical flat band containing a geometric line directly connecting said actuating member (7, 9, 19, 107, 109, 117) and said outlet member (24, 29), and that the end portion diverges from this zone. To clarify this point and in response to the Office's position that term "zone (B)" and the characters in parentheses are meaningless, Applicants have amended independent claim 13 to positively include structural

features defining zone (B). As amended, claim 13 recites "wherein, starting from at least one of said ends, said connecting member has at least one end portion (23, 30, 31a, 31c) diverging from a vertical flat band, designated as zone (B), containing a geometric line directly connecting said actuating member (7, 9, 19, 107, 109, 117) and said outlet member (24, 29), and wherein said vertical flat band extends in said vertical activating direction."

Accordingly, the claims now positively require that zone (B) is in the shape of a vertical flat band containing a geometric line directly connecting said actuating member (7, 9, 19, 107, 109, 117), and said outlet member (24, 29), and the end portion (23, 30, 31a, 31c) diverges from said vertical flat band that extends in said vertical activating direction.

See also new claims 27-31 that further specify the structural relationship of the connecting member.

Applicants respectfully submit that PONTON and LAST fail to disclose or suggest these features of independent claim 13 and new claims 27-31.

Nonetheless, in the middle of page 3 of the Office Action, the Office argues that: (1) PONTON allegedly discloses a flexible hose 41 that extends from the actuator 52 to the nozzle 9 with a vertical decrease in height as shown in Figure 3A, and (2) the flexible hose 41 will stretch and contract due to play or rocking, and (3) such contraction causes a "minute bending of the

hose 41 away from the geometric line" which reads on the instant claims.

PONTON does indeed disclose a flexible hose as the connecting means from the actuator 52 to the outlet 9. However, it can be seen that there is a straight line that runs the entirety of the flexible connecting means 41 from the actuator 52 to the outlet 9 as evident from Fig. 3A of PONTON.

Similarly, LAST discloses a dispensing device including a reservoir 3, an ejection assembly 5 that is supported on a wall of the reservoir at 3 and 4, an actuating member 14 and flexible connecting means 11 with female connectors at both ends. However, it is stressed that the connecting means 11 (i.e., flexible hose) are included in a straight vertical band comprising the actuator at 7 and the outlet at 12. This is the same arrangement as PONTON.

The arrangements in PONTON and LAST do not meet the recited feature in amended claim 13, whereby said connecting member has at least one end portion (23, 30, 31a, 31c) diverging from a vertical flat band, designated as zone (B), containing a geometric line directly connecting said actuating member (7, 9, 19, 107, 109, 117) and said outlet member (24, 29). Due to this divergence of the connecting member from a zone (B) in the shape of a vertical flat band, claim 13 cannot read on a device that forms a straight vertical band extending from the actuator directly to the outlet as in the device of PONTON and LAST.

To further illustrate this point, Applicants have added new claims 27-31 to distinguish over PONTON and LAST. For instance, new independent claim 27 recites "wherein said connecting member defines a path that conveys said quantity of said liquid or semi-liquid product away from a vertical plane containing a geometric line connecting said actuating member and said outlet member." New claim 28 specifies that "at all points in the range of movement of said actuating member in said actuating vertical direction (2), at least a portion of said connecting member diverges from said vertical plane, and wherein said vertical plane extends in said vertical activating direction (2)." New claim 29 specifies that "said at least one portion of said connecting member is angled away from or is perpendicular to said vertical plane." See also new claims 30 and 31 that further emphasize this concept.

It is believed that these claims clearly distinguish over PONTON and LAST, wherein the product is conveyed in a straight line running the entirety of the flexible hose as in PONTON or said product is conveyed in a path remaining in a vertical band comprising the activator and the outlet as in both PONTON and LAST.

Further, it should be noted that though PONTON (at column 6, lines 33-40) discusses the flexibility and elasticity of the hose 41 and discloses that "there may occur a slight recoil or a slight rocking of the nozzle", PONTON states that

"these movements are hardly perceptible to the naked eye." It is believed that such disclosure in no way suggests that at least one end of the flexible hose 41 in PONTON will diverge from a zone (B), which is defined as being in the shape of a vertical flat band containing a geometric line directly connecting said actuating member and said outlet member in order to meet the features of claim 13. Thus, the device in PONTON cannot meet the recited features of independent claim 13.

As such, Applicants believe that claim 13 (and all claims dependent thereon) and new claims 27-31, are distinguishable over PONTON and LAST. Thus, the 102(b) anticipation rejections over PONTON and LAST are believed to be overcome and should be withdrawn.

III. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expedited prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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